IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3063 OF 2004

IN

SUIT NO.3159 OF 1996

...

Kundan H. Sippy ...Plaintiff

v/s.

Orient Charterers & ors. ...Defendants

...

Mr.V.P.Vaze for the Plaintiff.

Ms. Meena Z. Merchant i/b H.G. Ganatra for Defendant No.4.

...

CORAM: D.K.DESHMUKH, J.

DATED: 14TH JANUARY,2005

P.C.:

1. This Notice of Motion is taken out by the

Plaintiff. The learned Counsel appearing for the Plaintiff states that all the Defendants are served. He has filed affidavit of service. Except Defendant No.4 none of the Defendants are appearing. None of the Defendants have filed any affidavit controverting the averments made in the affidavit filed in support of the motion. The learned Counsel appearing for the Defendant No.4 states that the Defendant No.4 has no objection if this Notice of Motion is granted in terms of prayer clause (i).

2. In the absence of any affidavit in reply from the Defendants, accepting the averments made in the affidavit filed in support of the motion at their face value and in view of the consent given by Defendant No.4, this Motion is granted in terms of prayer clause (i). Notice of Motion disposed of.

...